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Contact: Peter Lee

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Department of Planning and Environment  
GPO Box 39  
Sydney, NSW 2001  
Via online submission

Dear Secretary,

**Submission - Amendments to SEPP (Sydney Region Growth Centres) 2006 and Land Use and Infrastructure Implementation Plan for the North West Priority Growth Area**

**1 INTRODUCTION**

The Department of Planning and Environment has recently released proposed changes to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (SEPP) in relation to the North West Priority Growth Area for public comment until 27 June 2017. While not accepting formal submissions, the Land Use and Infrastructure Implementation Plan for the North West Priority Growth Area, is also available for feedback. Calibre Consulting is therefore making a submission regarding the Implementation Plan and proposed changes to the legislation.

The SEPP provides the primary statutory planning controls for the development of land within the North West Priority Growth Area. The projected changes to the SEPP include among others, replacing the structure plan for the Growth Area with the Implementation Plan, setting minimum and maximum residential densities, establishing new minimum lot sizes in residential areas, consolidating the six precincts within the Blacktown LGA into the existing Blacktown Growth Centres Precinct Plan and implementing requirements for rezoning proposals to include a Development Control Plan and arrangements for the delivery of infrastructure.

The Department's plans for the North West Priority Growth Area have been reviewed and considered. This submission is being made in relation to the SEPP planning control amendments, providing comments on the proposed maximum residential densities, minimum subdivision lot sizes for dual occupancies within the Blacktown Precincts, subdivision approval pathways and exceptions to minimum lot sizes. In addition, this submission proposes to include a strategy to deliver the Green Grid through public ownership of E2 Environmental Conservation land and a zone boundary clause to enable orderly subdivisions.

**2 SEPP PLANNING CONTROL AMENDMENTS**

**2.1 PROPOSED MAXIMUM RESIDENTIAL DENSITY**

One of the most significant proposed changes to the North West Priority Growth Area is the establishment of maximum residential densities. The Implementation Plan outlines in Action 3 that these controls are to support new communities with sufficient infrastructure, allowing councils to effectively plan for growing populations. The proposed residential density ranges are illustrated in Figure 1 on the following page. The release area for the North-West Priority Growth Area has always been predicated on the basis of minimum residential densities. With the introduction of a maximum density, this will have implications of stifling various forms of built form housing to provide housing diversity.

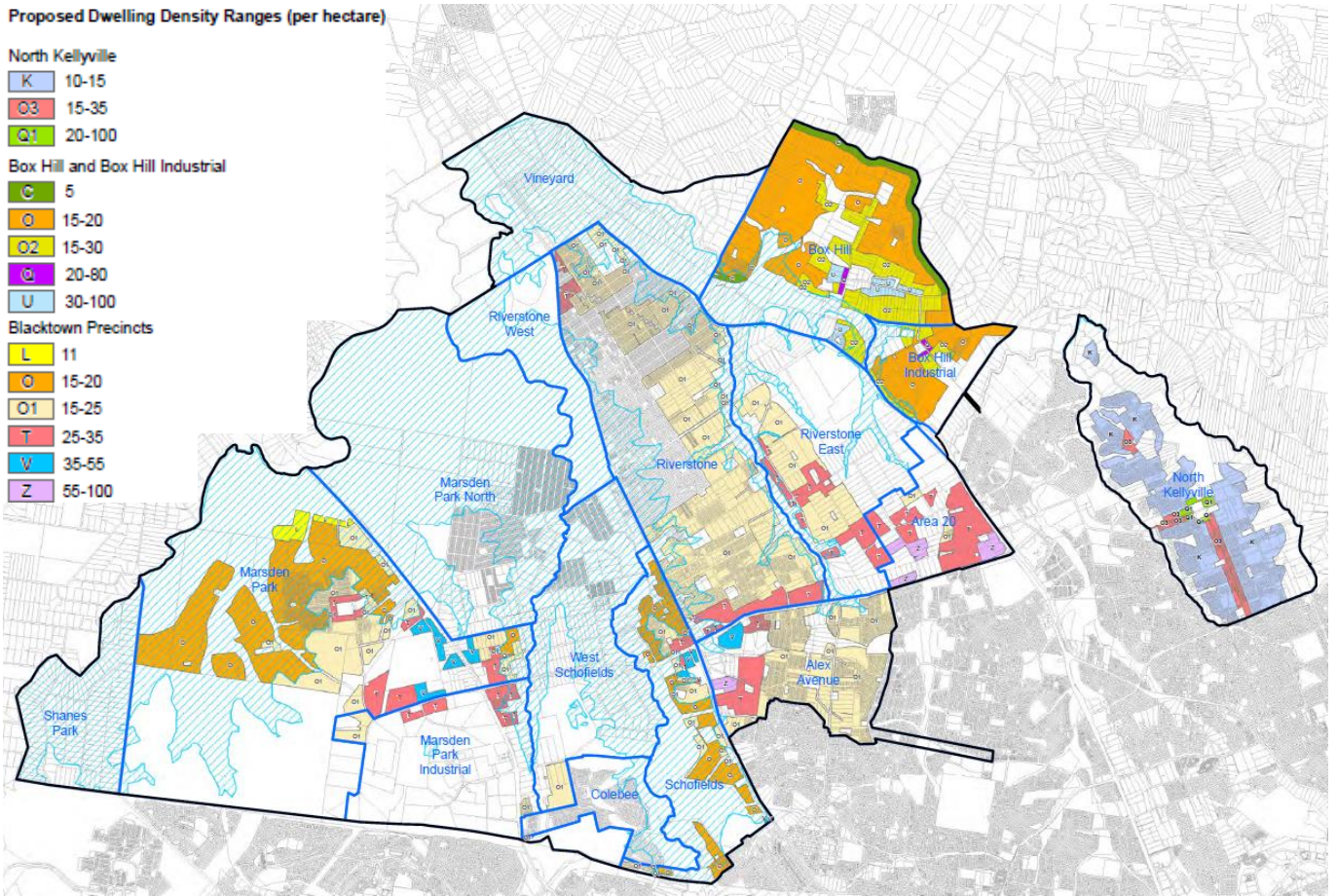
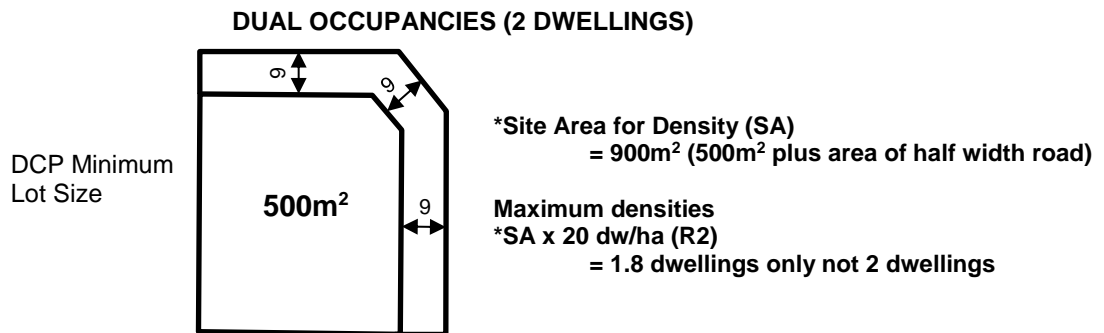


Figure 1: Proposed Dwelling Density Rages (Source: Department of Planning and Environment)

While the Department’s position on the matter is understandable, in that higher densities may prevent the planned provision of adequate infrastructure, the new residential density controls are not viable and are therefore not supported.

The current precinct plans set out minimum lot sizes for the facilitation of various housing types by density bands. However, the amendments to the SEPP have proposed new minimum lot sizes for the facilitation of various housing types for each zoning in accordance with the new density bands. If applied, many housing products such as dual occupancies could not be developed.

An example is shown below demonstrating the new residential density and minimum lot size controls utilising the provisions of the Box Hill and Box Hill Industrial Precinct



It is noted that one dual occupancy comprises of two residential dwellings with the proposed amendments to the SEPP requiring a minimum lot size of 500m<sup>2</sup> for land in R2 Low Density residential zones. However, a maximum of 20 dwellings per hectare is permitted within R2 zones. The example above demonstrates that a maximum density of 20 dwellings per hectare cannot achieve a dual occupancy product.

By setting a maximum density requirement, housing types such as dual occupancies, manor homes and multi-unit housing cannot be realised, which therefore does not contribute to achieving the notion of a range of diverse housing found within the Growth Centres. It is evident that the push for a maximum residential density cap was not carefully considered and planned. In addition, built form should dictate the appropriate scale of development. However, with limits in R2 and R3 zones, this would constrict development to be only single dwellings and would not encourage housing diversity.

**Recommendations: It is recommended that the maximum density for R2 and R3 zones be removed.**

## 2.2 MINIMUM SUBDIVISION LOT SIZES FOR DUAL OCCUPANCIES

The proposed minimum subdivision lot sizes for all rezoned precincts within Blacktown LGA are consolidated within the draft SEPP. The minimum subdivision lot size for dual occupancies within R2 zoned land have been amended from 500m<sup>2</sup> to 600m<sup>2</sup>.

It is noted that in the current SEPP, 500m<sup>2</sup> is the standard lot size for dual occupancies on R2 zoned land in Alex Avenue, Riverstone, Marsden Park Industrial, Area 20 and Schofields for densities of 15 dwellings per hectare. A minimum of 600m<sup>2</sup> for dual occupancies only applies to land identified with 11 dwellings per hectare. In the proposed amendments to the SEPP, only some areas in Marsden Park are identified with this density. Therefore, the proposed provision of a 600m<sup>2</sup> minimum lot size for all dual occupancies in the consolidated Blacktown Precincts is unreasonable.

A minimum lot size of 500m<sup>2</sup> for a dual occupancy should be of sufficient area to facilitate a well-designed product. It is also noted that the Box Hill and Box Hill Industrial Precincts have maintained the 500m<sup>2</sup> minimum lot size for a dual occupancy. Therefore, it is questioned why a minimum lot size of 600m<sup>2</sup> to facilitate dual occupancies was chosen for the Blacktown Precincts.

**Recommendations: The minimum lot size for dual occupancies should be 500m<sup>2</sup> where the minimum density is 15 dwellings per hectare and 600m<sup>2</sup> where the minimum density is 11 dwellings per hectare.**

## 2.3 SUBDIVISION APPROVAL PATHWAYS

The status of the approval pathways has not been confirmed with the proposed amendments to the SEPP. These approval pathways provide requirements which allow for the subdivision of lots less than 300m<sup>2</sup>. These pathways relate to facilitating subdivisions (with building envelope plans), Integrated Housing and split approvals. It is essential to enable smaller lot housing to be facilitated within the Growth Precincts as it encourages greater housing diversity to accommodate changing demographic trends. Smaller lots contribute to the 'Missing Middle', which is encouraged by the Department, to enable low rise medium density housing, filling a gap in the market between traditional low density detached homes and high density apartments.

The proposed amendments for the SEPP establish new minimum lot sizes for residential zoned land. The smallest lot size that can be achieved according the SEPP amendments is 300m<sup>2</sup>. Notably, the Department's proposed Greenfield Housing Code, which identifies options to facilitate fast housing approvals under complying development and ensure good design outcomes, applies to greenfield areas with land that has a minimum lot size of 200m<sup>2</sup>. It is evident that greenfield areas are encouraged to facilitate smaller lot sizes and therefore, the subdivision approval pathways are of significant importance to ensuring that greater housing choices are found within the North West Priority Growth Area.

**Recommendations: It is recommended that the subdivision approval pathways are not removed from the SEPP, given the minimum lot sizes, as it a significant tool to achieving the objective of delivering greater diversity of housing within the region.**

## 2.4 PROVISIONS ALLOWING FOR EXCEPTIONS TO MINIMUM SUBDIVISION LOT SIZES

On a similar note, it is unclear whether the clauses contained within Part 4 Principal development standards allowing exceptions to minimum lot sizes are to remain and/or be modified. These exceptions to minimum lot sizes within Part 4 of the SEPP allow smaller lot sizes below 300m<sup>2</sup> to be achieved which contributes to the notion of providing more diverse housing types to the North West Priority Growth Area. For example, these types of provisions are found within clauses 4.1AA, 4.1AC, 4.1AD and 4.1AE of *The Hills Growth Centre Precincts Plan 2013* and generally enable lot sizes of no less than 225m<sup>2</sup> to be facilitated, provided that the proposed subdivision meets certain requirements such as adjoining public open space or B2 Local Centre zoned land.

**Recommendations: It is proposed that the existing clauses within Part 4 of the SEPP allowing exceptions to minimum lot sizes remain.**



### 3 THE GREEN GRID

The Land Use and Infrastructure Implementation Plan aims to promote a Green Grid as depicted in Figure 2 throughout the North West Priority Growth Area, fulfilling the objectives of *A Plan for Growing Sydney* which advocated for a network of interlinked, multipurpose open and green spaces across Sydney.

The Green Grid as envisioned within the Implementation Plan consists of potential green connections, environmental conservation, regional open space, local open space and private open space throughout the priority area. The Green Grid is envisioned to link the whole of Western Sydney through green corridors which will connect residents to public transport, centres, jobs and recreation.

The Implementation Plan emphasises the need to resolve funding to acquire and embellish regional green corridors with opportunities to utilise developer chargers to subsidise the Green Grid.



Figure 2: The Green Grid and Open Space Connections (Source: Department of Planning and Environment)

In addition, the draft West Central District Plan issued by the Greater Sydney Commission outlines 'Sustainability priorities and actions' including delivering Sydney's Green Grid through funding programs. Figure 3 provides a map of Green Grid opportunities within the West Central District. The Western Sydney Parklands extension and connections will provide enhanced access to open space, recreation and green urban landscapes to the growing population of the North West Priority Area. Action 55 of the plan notes that councils have a significant role in delivering the Green Grid for West Central through planning and investment in open space, with programs managed by the NSW Government to extend and enhance open space.

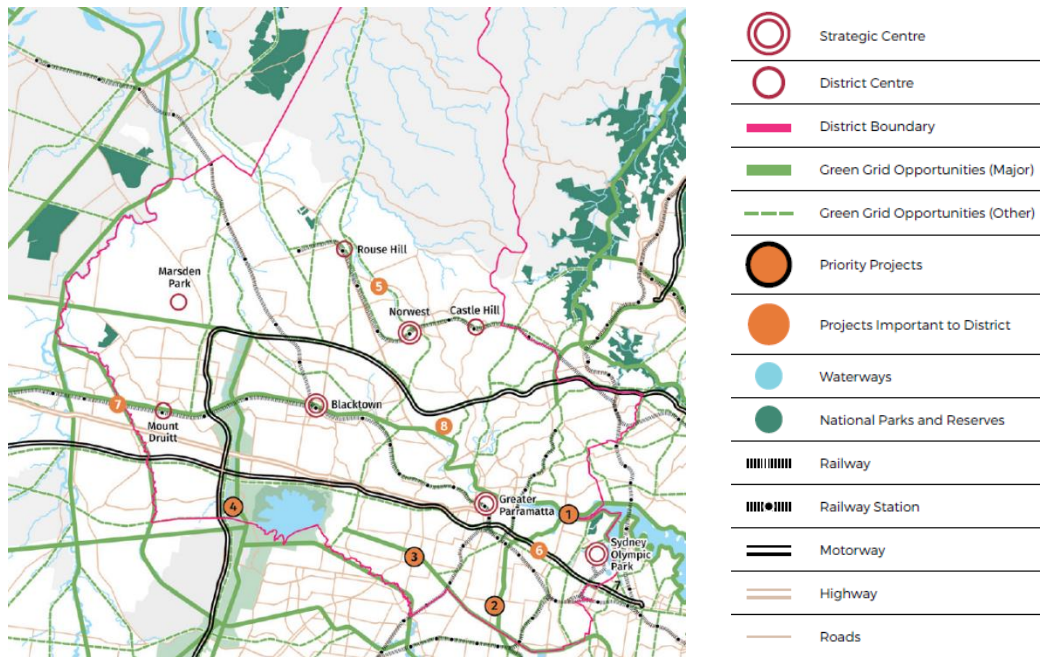


Figure 3: Green Grid Opportunities in the West Central District (Source: Greater Sydney Commission)

The overarching notion of a Green Grid is supported and it is believed that there are options to assist in its delivery within the North West Priority Growth Area. It is proposed that the Department should consider facilitating the transferral of E2 Environmental Conservation land into public ownership.

Private landowners and developers could rehabilitate the conservation land for 5 years, which can then be acquired by the State Government or Councils. The Office of Strategic Lands could provide funds to Council or other government agencies with annual Green Space Grants for maintenance through the Sydney Region Development Fund. This strategy releases ongoing private responsibility of the E2 land and would allow this space to be managed as part of Council's community lands, contributing to the open space network for the Green Grid.

This approach has worked in other land release areas such as Rope Creek Corridor and the Oran Park corridors in which the land has been acquired, transferred to the relevant local councils, alongside opportunities for maintenance funding.

**Recommendations: It is suggested that the Department facilitate the transfer of E2 land to public ownership to enhance proposed strategy to provide open space for the Green Grid.**

#### 4 PROVISION OF A ZONE BOUNDARY CLAUSE

This submission also seeks to propose a clause within the SEPP regarding the subdivision of allotments with dual zonings consisting of a residential zone with RE1 Public Open Space or SP2 Infrastructure for Drainage Land.

Previously, *Blacktown Local Environmental Plan 1988* (which has since been repealed) provided a provision in Part 3 Special provisions, Division 1 Subdivision of land which stated the following:

##### 10 Subdivision generally

- (1) *A person shall not subdivide land to which this plan applies without the consent of the council.*
- (2) *Land shall not be subdivided unless the boundaries of allotments so created correspond generally with the boundaries, if any, between zones as shown on the map.*
- (3) *Notwithstanding the provisions of subclause (2), the council may consent to a plan of subdivision whereby the boundaries of allotments so created will not correspond with the boundaries between different zones as shown on the map but which, in the opinion of the council, depart from those boundaries only to a minor extent.*
- (4) *Where, upon a registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from the boundary between different zones indicated on the map, land shall be deemed to be within the appropriate zone as determined by the council.*

This clause and similar provisions existed prior to the Department's comprehensive LEP template. The provisions of this clause, particularly subclauses (3) and (4) would enable at the subdivision stage, to remove zoning encroachments and any ambiguity as to whether the respective lot was to be acquired for public purposes. The clause would prevent difficulties that may arise when subdividing land for residential development with RE1 or SP2 zonings.

As zone boundaries are moved at the subdivision stage, there is a need to rationalise boundaries at the subdivision stage and remove any encroachment of RE1 or SP2 land that have been approved with the new layout plan. This issue commonly occurs across the release areas and Council can approve subdivision applications and registered lots with this clause which will remove the RE1 and SP2 affectations. A house keeping planning amendment to current zoning plans would then be required after the subdivisions have been registered.

**Recommendations: It is encouraged that the Department establish a clause within the SEPP as outlined to address minor zone encroachments.**

- (1) A person shall not subdivide land to which this plan applies without the consent of the council.**
- (2) Land shall not be subdivided unless the boundaries of allotments so created correspond generally with the boundaries, if any, between zones as shown on the map.**
- (3) Notwithstanding the provisions of subclause (2), the council may consent to a plan of subdivision whereby the boundaries of allotments so created will not correspond with the boundaries between different zones as shown on the map but which, in the opinion of the council, depart from those boundaries only to a minor extent.**
- (4) Where, upon a registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from the boundary between different zones indicated on the map, land shall be deemed to be within the appropriate zone as determined by the council.**

## **5 CONCLUSION**

Calibre thanks the Department of Planning and Environment for allowing a submission to be made regarding the Land Use and Infrastructure Implementation Plan and the amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 for the North West Priority Growth Area.

In summary, our recommendations are as follows:

- **Remove the maximum residential dwelling density cap for R2 and R3 zoned land**
- **In the Blacktown Precincts, maintain a 500m<sup>2</sup> minimum lot size for dual occupancy dwellings where the minimum density is 15 dwellings per hectare with a minimum lot size of 600m<sup>2</sup> for dual occupancy dwellings in a density of 11 dwellings per hectare**
- **Retain the clauses within Part 4 of the SEPP allowing exceptions to minimum lot sizes**
- **Preserve the subdivision approval pathway process**
- **Establish an approach to transfer E2 Environmental Conservation land into public ownership to provide open space for the Green Grid**
- **Propose a clause within the SEPP allowing for the orderly subdivision of land with residential and RE1 public open space / SP2 drainage land to address zone boundary adjustments**

These recommendations are keeping with the objectives for the North West Priority Growth Area and ensure that better outcomes are provided for new communities.

We sincerely wish for the Department to review and consider our submission on these matters.

Yours faithfully,

**Calibre Consulting**



**Peter Lee**

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